

### **REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-9 will be pending. Claims 1-9 have been amended, and claims 10-15 have been canceled.

#### **§112 Rejection of Claims 1-15**

In Section 4 of the Office Action, the Examiner has rejected claims 1-15 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner appears to object to the use of the terms “signal decoding program information,” “decoding program,” and “encoding procedure.” It is submitted that these terms are clearly supported by the Specification, such as in the embodiment described on pages 7-8. However, in the spirit of cooperation, claims 1-9 have been amended to use terms identical to those in the Specification (e.g., “program data” rather than “signal decoding program information” and “decoding software” rather than “decoding program”).

Claims 10-15 have been canceled, thereby rendering the rejection of claims 10-15 moot.

Accordingly, it is submitted that this rejection has been overcome, and so withdrawal thereof is respectfully requested.

§102 Rejection of Claims 1-15

In Section 2 of the Office Action, the Examiner has rejected claims 1-15 under 35 U.S.C. §102(e) as being unpatentable over Sugiyama et al. (U.S. Patent 5,923,486; hereinafter referred to as “Sugiyama”). This rejection is respectfully traversed below.

Regarding claim 1, it does not appear that the Examiner has explained how Sugiyama discloses the specific apparatus of claim 1. In one aspect, claim 1 calls for a reproducing apparatus that reads an encoded signal and program information from a recording medium. The program information includes decoding software. The reproducing apparatus decodes the encoded signal read from the recording medium using the decoding software read from the same recording medium. While the Examiner argues that Sugiyama shows executable programs, it does not appear that the Examiner has explained how Sugiyama specifically shows the reading and decoding called for in claim 1.

Accordingly, it does not appear that the Examiner has established how Sugiyama, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how Sugiyama shows or suggests amended claim 1 as a whole. Claim 2 depends from claim 1, and it is also submitted that the Examiner has not established how Sugiyama shows or suggests claim 2, through its dependence on claim 1. Similar arguments apply to claims 3-9.

Claims 10-15 have been canceled, thereby rendering the rejection of claims 10-15 moot.

Based upon the foregoing, it is submitted that claims 1-15 are not anticipated by nor rendered obvious by the teachings of Sugiyama, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner’s rejection of claims 1-15 based upon 35 U.S.C.

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§102(e) has been overcome by the present remarks and withdrawal thereof is respectfully  
requested.

**CONCLUSION**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-9 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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